

TOWN OF WILBRAHAM

BUSINESS CERTIFICATE ADVISORY

WHAT IS A BUSINESS CERTIFICATE?

A Business Certificate is a local registration of a business that is conducted within the Town of Wilbraham. It is commonly referred to as a “D/B/A” form or “Doing Business As” form. Its purpose is primarily for consumer protection and public information purposes. Essentially, the public has a right to know who “is” a particular business, since a customer will not know who owns the business simply by the name of that business.

WHO MUST FILE A BUSINESS CERTIFICATE?

Massachusetts General Laws Chapter 110, section 5, states that any person conducting business under any title (business name) other than the real name of the person conducting the business must file a certificate. A person is defined as an individual, a partnership or a corporation.

Exemptions to filing are allowed under section 6 if the corporation is doing business in its true corporate name, or if legal partnership is doing business under any title which includes the true surname of any partner. Certain other exemptions exist for trusts and limited partnerships.

WHO MUST SIGN THE BUSINESS CERTIFICATE?

If the business is owned solely by one person, only that person needs to sign. If it is a partnership of two or more people (but not a formal legal entity), both or all of the “partners” must sign. If it is a legal partnership, any officer who has authority to sign on behalf of the partnership may do so. If it is a corporation, any officer who has signatory authority must sign – which is usually the President, but not always. All signatures must be made in front of a notary, the Town Clerk or the Assistant Town Clerk. Do not sign the certificate unless it is in front of one of these individuals. An individual must be 18 years of age or older to legally sign a business certificate.

WHO APPROVES THE BUSINESS CERTIFICATE?

The Zoning Code Enforcement Officer or the Town Planner must approve the business certificate before it is processed by the Town Clerk.

HOW LONG ARE BUSINESS CERTIFICATES VALID?

Business Certificates are valid for a period of four (4) years from the date of its original filing. They must be renewed every four years for as long as the business is being conducted. **The responsibility for renewal is yours.**

WHAT IF I “GO OUT OF BUSINESS, CHANGE MY RESIDENCE, CHANGE THE LOCATION OF THE BUSINESS OR WANT TO CHANGE THE NAME OF THE BUSINESS”?

If anyone listed on the certificate changes their residence as listed, or changes the location of the business within town (but keeps the same business name) you must file either a Statement of Change of Residence or a Statement of Change of Location of Business.

If you discontinue your business, retire or withdraw from conducting business (i.e. go out of business or move it to another town), you must file a Statement of Discontinuance. If you will be conducting a “Going Out of Business Sale”, please contact the Selectmen’s Office regarding the legal requirements for conducting this type of sale.

If you wish to change the name of your business, you must first file a Discontinuance and then file a new Certificate for the new business name. You cannot change the name of the business as technically you are stopping business in one name and starting business in a new name.

In case of death, a statement may be filed by the executor or administrator of the estate.

If you do not file a Discontinuance, you will continue to receive Personal Property tax bills – so it is within your interest to file one.

HOW MUCH DOES IT COST TO FILE A CERTIFICATE OR STATEMENT?

The cost to file a Business Certificate is \$40.00 and the cost to file a Statement is \$20.00. Certified copies are \$8.00 each and photocopies are 25 cents each.

MUST I DISPLAY A COPY OF MY BUSINESS CERTIFICATE?

The law states that copies of your certificate must be available at the address at which the business is conducted and shall be produced for inspection upon request during regular business hours to any person who has purchased goods or services from such business.

WHAT IS THE PENALTY IF I DO NOT FILE A CERTIFICATE OR STATEMENT?

The law states that violators will be punished by a fine of not more than three hundred dollars for each month during which the violation continues.

WHERE DO I GET THE FORMS AND HOW DO I FILE?

All forms may be downloaded from the Town's website or obtained from the Town Clerk's Office. Filing is done in person at the Town Clerk's Office, Monday through Friday, 8:30AM to 4:30 PM.

If returning the business certificate by mail is preferred, please enclose the form with a notarized signature only, a check for the corresponding amount and a self-addressed stamped envelope. After the approval by the Zoning Code Enforcement Officer or the Town Planner, a certified copy of the business certificate will be returned in a timely manner.

WHERE DO I GET TAX INFORMATION REGARDING MY BUSINESS?

Federal income tax and FID number information may be obtained from the Internal Revenue Service at 800-829-1040. State income tax information may be obtained from the Massachusetts Department of Revenue at 800-392-6089.